

Karen O’Kasey, OSB No. 870696
E-mail: kok@hartwagner.com
HART WAGNER LLP
1000 S.W. Broadway, Twentieth Floor
Portland, Oregon 97205
Telephone: (503) 222-4499
Facsimile: (503) 222-2301

Of Attorneys for Defendants Washington County,
Pat Garrett, and John Black

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION**

ANGELA BRANFORD,
PLAINTIFF,

Case No 3:17-cv-00094-SI

v.

**DEFENDANTS’ WASHINGTON
COUNTY, PAT GARRETT AND JOHN
BLACK’S ANSWER TO PLAINTIFF’S
AMENDED COMPLAINT**

**WASHINGTON COUNTY, OREGON;
PAT GARRETT; JONATHAN
CHRISTENSEN; JOHN BLACK, and THE
CITY OF PORTLAND, OREGON,**

JURY TRIAL DEMAND

DEFENDANTS.

In answer to plaintiff’s Amended Complaint, defendants Washington County, Pat Garrett, and John Black (“defendants”) admit, deny and allege as follows:

NATURE OF THE ACTION

1. Defendants admit that this is an action under federal law.

JURISDICTION AND VENUE

2. Defendants admit that this court has jurisdiction over plaintiff’s federal law claims and pendant jurisdiction over plaintiff’s state law claims.
3. Defendants admit that venue in Oregon (Portland Division) is proper.
4. Defendants further admit that all preconditions to jurisdiction pursuant to 42

U.S.C. § 2000e-5 have been satisfied. Defendants further admit that the County is an employer for purposes of 42 U.S.C. § 2000e(b).

5. Defendants further admit that plaintiff has satisfied the tort claim notice requirements of the Oregon Tort Claims Act. Defendants further admit that the County is an employer for purposes of ORS Chapter 659A.

PARTIES

6. Defendants admit that plaintiff Angela Branford is female and was and is an employee of the Washington County Sheriff's Office. Defendants further admit that defendant Pat Garrett is the Sheriff of Washington County, who at all relevant times acted within the course and scope of his employment with Washington County.

7. Defendants further admit that defendant John Black is employed at the Washington County Sheriff's Office and at all times was acting within the course and scope of his employment with Washington County.

GENERAL FACTUAL ALLEGATIONS

8. Defendants admit that plaintiff was and is employed by the Washington County Sheriff's Office. Defendants further admit that defendant Jonathan Christensen was previously employed by the Washington County Sheriff's Office.

9. Defendants admit that in April of 2015, an anonymous letter was sent to the Oregonian. Defendants further admit that in response to this anonymous e-mail, the Washington County Sheriff's Office initiated an investigation.

10. Defendants admit that the Sheriff's Office provided plaintiff with three days of paid administrative leave at the end of April of 2015. Defendants further admit that the Sheriff's Office extended the leave for two additional days at plaintiff's request. Defendants further admit that when plaintiff requested additional administrative leave on June 11, 2015, plaintiff was approved for FMLA/OFLA leave commencing April 24, 2015.

11. Defendants further admit that defendant Black obtained a copy of plaintiff's cell phone records from the Portland Police Bureau in the course of conducting internal affairs investigations of WSCO employees.

12. Defendants admit that defendant Christensen's employment was terminated in August of 2015. Defendants specifically deny that defendant Christensen was at any time acting within the course and scope of his employment with the Washington County Sheriff's Office.

13. Except as specifically admitted herein in paragraphs 1 through 12, above, defendants deny each and every remaining allegation of plaintiff's Amended Complaint and the whole thereof.

FIRST DEFENSE

(Failure to State Claim)

14. Some or all of plaintiff's claims fail to state a claim for relief under federal law.

SECOND DEFENSE

(Qualified Immunity)

15. Defendants are entitled to qualified immunity.

THIRD DEFENSE

(No Adverse Employment Action)

16. Plaintiff fails to state a claim as she has not suffered any adverse employment action.

FOURTH DEFENSE

(Oregon Tort Claims Act)

17. Plaintiff's state law claims are subject to the privileges and immunities set forth in the Oregon Tort Claims Act, ORS 30.260 *et seq.* Any claim for damages is limited by the cap on damages set forth in the Oregon Tort Claims Act applicable to plaintiff's state law claims.

///

///

FIFTH DEFENSE

(Faragher-Ellerth)

18. At all relevant times, the Washington County Sheriff's Office had a policy prohibiting sexual harassment and hostile work environments. Any claim for sexual harassment or hostile work environment is barred, as at no time did plaintiff ever report sexual harassment or a hostile work environment as required by County policies. As a result of this failure to report, defendants were deprived of the ability to timely investigate and take prompt, corrective, remedial action. As a result, any claim for sexual harassment or hostile work environment is barred as a matter of law.

SIXTH DEFENSE

(Federal Damages Limitation)

19. Plaintiff's federal claims brought pursuant to Title VII are subject to the damages limitation set forth in 42 U.S.C. § 1981a(B)(3).

SEVENTH DEFENSE

(Additional Defenses)

20. Defendants reserve the right to raise additional defenses that may become apparent during the course of discovery.

///

///

///

///

///

///

///

///

///

WHEREFORE, having fully answered plaintiff's Amended Complaint, defendants pray for judgment in their favor, including an award of costs, disbursements and fees pursuant to 42 U.S.C. § 1988.

DATED this 21st day of March, 2017.

HART WAGNER, LLP

By: /s/ Karen O'Kasey

Karen O'Kasey, OSB No. 870696
kok@hartwagner.com
Of Attorneys for Defendants Washington
County, Pat Garrett, and John Black

Trial Attorney: Karen O'Kasey, OSB No.
870696

Defendants herein request trial by jury on those issues properly submitted to a jury.

HART WAGNER, LLP

By: /s/ Karen O'Kasey

Karen O'Kasey, OSB No. 870696
Of Attorneys for Defendants Washington
County, Pat Garrett, and John Black

CERTIFICATE OF SERVICE

I hereby certify that on the 21st day of March, 2017, I served the foregoing
DEFENDANTS' WASHINGTON COUNTY, PAT GARRETT, AND JOHN BLACK'S
ANSWER TO PLAINTIFF'S AMENDED COMPLAINT on the following party at the
following address:

Daniel Snyder
Law Offices of Daniel Snyder
1000 SW Broadway Ste 2400
Portland, OR 97205
Attorney for Plaintiff

Andrea Barraclough
City of Portland
Office of the City Attorney
1221 SW Fourth Avenue, Room 430
Portland, OR 97204
Attorney for City of Portland

by electronic means through the Court's Case Management/Electronic Case File system.

/s/ Karen O'Kasey
Karen O'Kasey